

REMARKS

In order to expedite prosecution of this application, claims 22-28 have been cancelled. A new claim 29, dependent upon claim 17, has been presented.

In the Office Action dated February 28, 2003, the Examiner allowed claims 17-21. However, in the Office Action dated July 1, 2003, the Examiner rejected claims 17-21, based upon the combination of Sullivan and Parker. It is submitted that this rejection is erroneous and should be withdrawn.

While the Sullivan reference concerns a stent delivery system, the Parker patent concerns a soft tip guiding catheter for guiding an angioplasty balloon catheter. Parker's soft tip guiding catheter is not suggested for use as a stent delivery system nor is any suggestion in the Sullivan reference to reconstruct Sullivan's outer sheath to comprise an inner Teflon layer having stainless steel braiding disposed therein with a coating applied over and bonded to the braiding.

The subject matter of Applicant's claims are not *prima facie* obvious in view of the combination of Sullivan and Parker. As stated in MPEP § 2142:

To establish a *prime facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

In the Office Action, the Examiner refers to Sullivan as teaching a catheter and stent system comprising a clear outer sheath, an inner shaft and a stent. The Examiner

correctly notes that "Sullivan is silent regarding said sheath having an inner layer having a braiding thereon". Recognizing this significant deficiency of Sullivan, the Examiner has attempted to combine Sullivan with Parker. However, there is nothing in Parker which in any suggests a stent delivery system and there is nothing in Sullivan which in any way suggests an outer sheath utilizing a stainless steel braiding over a Teflon inner layer. There is no showing that one of ordinary skill in the art would have been motivated to do this. Thus the reliance on applicant's own disclosure in hindsight to conclude that the present claims are obvious is clearly improper.

It is respectfully submitted that the Examiner has failed to carry the burden of establishing a *prima facie* case of obviousness. In view of the foregoing amendments and remarks, the Examiner is urged to reinstate his allowance of claims 17-21 and to pass the application to issue at an early date.

Respectfully submitted,
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